

REMARKS/ARGUMENTS

The Applicant wishes to extend to the Examiner a holiday greeting, and appreciates the Examiner's careful consideration of the present Application. In the Office Action, claims 1-15 and 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Immarco et al. (U.S. Patent No. 5,991,726).

In response to the Office Action, the Applicant has amended the claims as shown above and discussed in Section I below. In view of these amendments, the claims that are currently pending are 1-4, 6-15, 17, 19 and 21-26. Further, the Applicant respectfully submits that the pending claims, as amended, are now allowable over Immarco et al., for at least the reasons set forth in Section II below.

Also, in the Office Action, the Applicant observed that the Examiner indicated that Information Disclosure Statements received on October 11, 2000 and July 23, 2001 were reviewed. However, the Applicant wishes to remind (or notify) the Examiner that an additional Supplemental Information Disclosure Statement was submitted on May 17, 2003. The Applicant invites the Examiner to contact the Applicant at the telephone number listed below in the event that such Supplemental Information Disclosure Statement has not been received by the Examiner. Otherwise, if the Examiner has received such Statement, the Applicant would appreciate the Examiner's consideration thereof.

D) Amendments to Claims 1-15 and 17-19 and New Claims 21-26

The Applicant appreciates the Examiner's careful search of the prior art and identification of Immarco et al. In response to the Examiner's comments in the Office Action and in view of Immarco et al., the Applicant has amended each of the originally-filed independent claims 1, 13 and 14. Further, the Applicant has cancelled claims 5 and 18, without prejudice, and added new claims 21-26. New claims 21 and 22 depend from independent claim 1, and new claims 23 and 24 depend from independent claim 13.

Also, new claim 25 is an additional independent claim, and new claim 26 depends from claim 25.

The Applicant respectfully submits that the amendments to claims 1, 13 and 14 and addition of new claims 21-26 are supported by the Specification and do not add new matter. The amendments to these claims can be understood as generally encompassing three sets of amendments, as follows.

A) Amendments Reciting Additional Product-Related Information

As shown above, claims 1 and 13 now recite an information unit that includes “additional product-related information including product availability information” rather than merely “product location information”. Also, claims 1 and 13 as amended now provide that an information signal (or output signal) generated by the information unit is based upon at least some of the product availability information. These claim amendments are supported by the Specification at, for example, page 5, lines 1-7, page 9, lines 3-14, page 10, lines 7-23, page 16, lines 1-30, page 18, lines 15-31, page 19, lines 13-27, page 25, lines 20-32, and original claim 5. These amendments also are consistent with the recitation, in claim 1, of an “inventory” information unit rather than simply an information unit.

As for new claims 21, 22 and 24, these claims further elaborate on exemplary types of information that may be encompassed by the additional product-related information that is stored in, and communicated by, the Applicant’s system as recited in amended independent claims 1 and 14. Support for these new claims can be found in the Specification at, for example, page 10, lines 1-11, page 19, lines 13-27, page 31, lines 1-25, page 32, lines 1-8, and original claim 5.

Further, new claim 23 further recites two examples of how the output signal can vary depending upon both the product availability information and the product location information. Support for this claim is provided at, for example, page 9, lines 3-14, page 16, lines 13-30, and original claim 5.

B) Amendments Regarding Updating of Product-Related Information

Independent claims 13 and 14 have further been amended to clarify that at least some of the product-related information stored within the information unit/data storage means is updated to reflect changes in the inventory of a store. Such amendments find support within the Specification at several locations including, for example, page 10, lines 1-23, page 11, lines 13-25, page 12, lines 4-32, page 16, lines 1-9, page 22, lines 25-29 and pages 28-29.

C) New Claims 25-26

New independent claims 25-26 recite further embodiments of the Applicant's system in which the system not only is able to store and communicate product location information, but also is able to store and communicate information regarding promotions that are occurring with respect to products. These new claims find support within the Specification at, for example, page 31, line 19 through page 32, line 19 and page 18, lines 15-31.

II) Allowability of Pending Claims

The Applicant respectfully submits that claims 1-4, 6-15, 17 and 19, as amended, and new claims 21-26 are allowable over Immarco et al. The Applicant recognizes that Immarco et al. provides brief discussion concerning a system for "directing customers to the in-store location of desired products using voice recognition" (col. 3, lines 42-43). Nevertheless, as set forth in more detail below, the Applicant submits that Immarco et al. fails to disclose all of the limitations recited in independent claims 1, 13, 14 and 25 as well as the claims depending therefrom. Further, as set forth in more detail below, the Applicants submit that it would not have been obvious to one of ordinary skill in the art to modify the teachings of Immarco et al. to arrive at the Applicant's system as recited in independent claims 1, 13, 14 and 25 (or the claims depending therefrom) since Immarco et al. lacks any suggestion to so modify its teachings.

A) Immarco et al. Fails to Disclose or Suggest a System That Stores Both Product Location Information and Additional Product-Related Information Including Product Availability Information, and Provides Output Based Upon the Product Availability Information, as Recited in Independent Claims 1 and 13

As discussed above, claims 1 and 13 have been amended to recite an information unit that includes both product location information and additional product-related information including product availability information. Consequently, the Applicant's system as recited in these claims does not merely store a list of product locations concerning where products might be located in a store, but rather integrates product location information along with various other product-related information relating to the inventory of a store. Further, as recited in amended claims 1 and 13, the Applicant's system provides responses to product location inquiries that depend at least in part upon product availability information rather than merely product location information. Thus, in providing responses to users' product location inquiries, the Applicant's system is able to take into account the status of a store's inventory of various products, and able to adjust the responses based upon such inventory status.

In contrast, as best as the Applicant can determine, Immarco et al. entirely fails to disclose an inventory information unit that includes both product location information and other product-related information including product availability information, and that provides signals based upon both types of information. Nor does Immarco et al. appear to contain any suggestion to modify its disclosed embodiments to include such features. Indeed, while Immarco et al. discusses directing store customers to the locations of products, Immarco et al. otherwise provides little in the way of additional information regarding the design of its system or the particular information that the system may provide. In particular, the Applicant is unable to find within Immarco et al. any discussion of the use of an information unit that stores or provides information regarding the availability of different products within the store, for example, whether a given product is actually present in a store or how many of a given type of product are present in the store. Rather, the system of Immarco et al. appears to be merely a simple list or

“indexing system” that is capable of providing product location information that corresponds to various products that might be offered for sale, regardless of whether those products are actually available in a given store.

Because the Applicant’s system employs an information unit that integrates product location information with other product-related information including product availability information, the Applicant’s system is more sophisticated than, and advantageous in comparison with, the system of Immarco et al. Unlike, the system of Immarco et al., the Applicant’s system is able to associate interrelated pieces of data beyond simply product location data, and able to vary its output based upon those interrelated pieces of data. This capability in turn makes it possible for the Applicant’s system to provide information to customers that is more accurate and helpful than would be provided by a system such as that of Immarco et al. For example, as expressly recited by new claim 23, the Applicant’s system in certain embodiments is able to indicate to customers that a particular product is unavailable when the customers inquire about the location of such product. This prevents a customer from being directed to the location of a product that is no longer available at that location, and thus avoids customer dissatisfaction that might otherwise occur.

Although the operation recited in new claim 23 is one example of where the capability of integrating product location information with product availability information is useful, there are numerous other possibilities as well. For example, in some circumstances, a store will place a certain amount of a given product at a primary location and then, if additional “surplus” amounts of the product are also available, place those additional amounts at another location. In such circumstances, the Applicant’s system would be able to direct a customer to both of the locations if it is known that the surplus exists or, if not, direct the customer to only the primary location. In other circumstances, where the surplus is located in a storage area of the store not generally accessible to customers, the Applicant’s system could provide to the customer both an indication of the product’s primary location and an additional indication that more of the product is still available in the event that the customer is unable to find the product at its primary location.

More generally, because the Applicant's system is capable of integrating product location information with a variety of types of product-related information (product availability information being only one of these), the Applicant's system is able to identify and communicate to customers a variety of amounts and types of product-related information that may be of interest, in addition to merely product location information. Several types of information that can be provided to a user (which are recited in more detail by new claims 21, 22 and 24) include, for example, information concerning a product's presence or absence within a store, information concerning the quantity of a product that is available at the store, information regarding a time of availability of a product when it is determined that the product is not currently present within the store, product price information, information regarding a sale/promotion relating to the product, information regarding a second store at which the product is available, and information regarding an alternative product.

B) Immarco et al. Fails to Disclose the Updating of Product-Related Information as Recited in Independent Claims 13 and 14

As discussed above, amended independent claim 14 now recites "an updating means for modifying at least a portion of the product location information to reflect changes in inventory occurring within the store". Similarly, independent claim 13 as amended recites that "at least some of the product location information and some of the additional product-related information is updated over time to reflect changes in inventory occurring within the store". So amended in this manner, claims 13 and 14 make it clear that the information that is stored and output by the Applicant's system varies as the inventory of the store in which the system is implemented experiences variation with time.

In contrast, as best as the Applicant can determine, this feature is entirely missing from Immarco et al. Indeed, it appears to the Applicant that Immarco et al. entirely fails to provide any disclosure as to whether any product location information, or any other product-related information, will vary with a store's inventory over time. Rather,

Immarco et al. appears to disclose only a system that is capable of outputting a static set of information regarding products' locations. Further, the Applicant is unable to find any suggestion to modify the system of Immarco et al. that would allow for changes in product location information or any other product-related information to occur based upon changes in a store's inventory over time.

Because the system of Immarco et al. lacks the capability of being updated to reflect changes in a store's inventory over time, the system of Immarco et al. lacks some of the advantages of the Applicant's system as recited in claims 13 and 14. In particular, the Applicant's system is able to provide information to customers that is more accurate, timely, and helpful than would be provided by a system such as that of Immarco et al., since product location information does not remain constant when changes in inventory within the store occur that affect the actual physical locations of the products. For example, if a product is discontinued, the Applicant's system would not only store that fact, but also the response provided by the Applicant's system in response to a product location inquiry concerning that product would then change. There is no indication within Immarco et al. that the system disclosed therein would be capable of responding to changes in inventory in this manner, and consequently Immarco et al. in this situation would provide information that was less accurate than that provided by the Applicant's system.

C) Immarco et al. Fails to Disclose All of the Limitations of New Independent Claim 25

Further, the Applicant's new independent claim 25 recites a system that stores, and is capable of communicating to users, both product location information and product promotion information. Consequently, the Applicant's system of claim 25 not only is able to provide relevant product location information, but also is able to provide information regarding discounts, sales or other promotions, concerning various products. Depending upon the circumstance, the information provided in response to a product inquiry can pertain not only to the particular product about which the product inquiry was

made, but also to other products that are of a similar type as, or located proximate to, the product about which the inquiry was made.

In contrast, the Applicant is unable to find any disclosure within Immarco et al. concerning a system that is capable of storing or communicating not only product location information but also promotional information concerning products. In particular, the Applicant is unable to find any disclosure within Immarco et al. of a system that integrates product promotion information with product location information in such a manner as to enable the system to vary its responses to product location inquiries depending upon whether relevant promotion information is available. Nor is the Applicant able to find any suggestion within Immarco et al. that its disclosed system be modified to include such features.

Because the system of Immarco et al. lacks such an integration of product promotion information with product location information, the Applicant's system provides several advantages that the system of Immarco et al. lacks. First, the Applicant's system makes it possible to provide customers with better information about their purchase options, and thus helps customers to make purchases that are more satisfying. Further, the Applicant's system provides a retailer, distributor, and/or manufacturer with an opportunity to influence customers' behavior by providing product promotion information to the customers at the very moments when those customers are searching for products that are related to that promotion information. The system of Immarco et al. provides neither of these benefits.

D) Summary

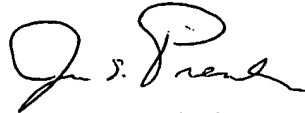
For at least these reasons, therefore, the Applicant respectfully submits that Immarco et al. fails to disclose all of the limitations of any of the pending claims 1-4, 6-15, 17, 19, and 21-26, and also fails to suggest the modifications to Immarco et al. that are necessary to arrive at the Applicant's system as recited in these claims. Consequently, for at least these reasons, the Applicant respectfully submits that claims 1-4, 6-15, 17, 19, and 21-26 are allowable over Immarco et al. both under 35 U.S.C. §102 and 35 U.S.C. § 103.

Conclusion

Given the Applicant's Remarks and Amendments, the Applicant respectfully requests reconsideration and allowance of the present Application.

The Applicant invites the Examiner to telephone the Applicant at the telephone number listed below if discussion with the Applicant would further the prosecution of the present Application, resolve any questions regarding the Supplemental Information Disclosure submitted on May 17, 2003, or otherwise be of assistance to the Examiner.

Respectfully,

A handwritten signature in black ink, appearing to read "John T. Pienkos". The signature is fluid and cursive, with a large initial "J" and "P".

John T. Pienkos
Applicant

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